

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Reginald C Sweat,)
Plaintiff,) Civil Action No. 9:11-cv-02908-JMC
v.)
Alburey Rennick, Sergeant;)
Cecilia Reynolds, Warden;)
and Investigator Robinson in their)
official and individual capacities,)
Defendants.)

)

ORDER

This matter is before the court for review of the Magistrate Judge's Report and Recommendation ("Report"), [Doc. 37], filed on February 7, 2012, recommending that Defendant Sylvesta Robinson's¹ Motion to Dismiss [Doc. 24] be granted and Defendants Aubrey Rennick² and Cecilia Reynold's Motion to Dismiss [Doc. 13] be granted as to Defendant Cecilia Reynolds. Plaintiff brought this action seeking relief pursuant to 42 U.S.C. §1983. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423

¹Plaintiff incorrectly identifies Defendant Sylvesta Robinson as "Investigator Robinson."

²Plaintiff incorrectly identifies Defendant Aubrey Rennick as "Alburey Rennick."

U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

The parties were advised of their right to file objections to the Report and Recommendation [Doc. 37 at 8]. Defendant Aubrey Rennick filed objections to the Report and Recommendation on February 20, 2012. However, Plaintiff filed no objections to the Report and Recommendation. On February 23, 2012, Plaintiff filed a Motion for Termination of Action [Doc. 47], in which Plaintiff stated that he wished "to terminate this action for the sake of that little girl Sgt. Auberey [sic] is raising as a child and the fact that [Plaintiff] has two daughters and a grandson." [Doc. 47]. On February 27, 2012, Defendants filed Defendants' Consent to Plaintiff's Motion to Terminate [Doc. 48] in support of Plaintiff's Motion for Termination.

Upon a careful review of the Magistrate Judge's Report and Recommendation and the record

in this case, the Court **ACCEPTS** the Report and Recommendation [Doc. 37]. Defendant Sylvesta Robinson's Motion to Dismiss [Doc. 24] is hereby **GRANTED** and Defendants Aubrey Rennick and Cecilia Reynold's Motion to Dismiss [Doc. 13] is hereby **GRANTED** as to Defendant Cecilia Reynolds. Furthermore, Plaintiff's Motion for Termination of Action [Doc. 47] is **GRANTED** as to Defendant Aubrey Rennick. Accordingly, this case is **DISMISSED**.

IT IS SO ORDERED.



United States District Judge

Greenville, South Carolina
April 19, 2012.